

Applicant(s) : Yee Mau CHEN and Sum Fat POON
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REMARKS

Claims 1-15 were pending in this Application. By this Amendment, Applicants canceled claims 3, 5 and 10 without prejudice for the applicants to pursue the canceled subject matter in a future application, and submit previously presented claims 1-2, 4, 6, 8-9, 11-12 and 14-15 for consideration by the Examiner. Applicants amended claim 7 to read "wherein" as recommended by the Examiner. Applicants amended claim 13 to further clarify the claim as disclosed in this Application.

Applicants submitted new claims 16-20 for consideration by the Examiner. Applicants maintain that new claims 16-17, 18-19 and 20 are well supported *inter alia* by the specification as originally filed, i.e. page 5, lines 22-28, page 6, lines 3-15, and page 5, lines 29-34, respectively.

Applicants further amended figure 2 to add reference numerals 17 and 18. A copy of the amended figure 2, which has been marked as "Replacement Sheet" is attached herein as **Exhibit A**, and a copy of all of the figures appearing on the immediate prior version of the Replacement Sheet is attached herein as **Exhibit B**. The amendments to the drawings are well supported by the Specification as originally filed (See page 5, lines 10-12 and page 7, lines 29-32).

Accordingly, there is no issue of new matters and Applicants respectfully request the entry of this Amendment. Upon entry of this Amendment, Claims 1-2, 4, 6-9, 11-20 will be pending and under examination.

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Objection to Drawings under 37 C.F.R. §1.84(p)(5)

The Examiner to whom this Application is assigned ("Examiner") objected to the drawings "as failing to comply with 37 C.F.R. §1.84(p)(5) because they include" reference sign(s), namely reference numeral 11, "apparently [referring to] the platform spring", not mentioned in the description.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have amended the specification, i.e., page 5, lines 34-36, to add reference numeral 11 to the description as recommended by the Examiner. The drawings do not contain the above mentioned issues, thereby rendering this ground of objection moot.

Claim Objections

The Examiner objected to claims 3, 5 and 10, which recited figure numbers, as improper.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 3, 5 and 10 without prejudice. New claims 16-19 do not contain the above mentioned issues, thereby rendering this ground of objection moot.

The Examiner also stated that "in claim 7, 'wherever' should read 'wherein'". In response, Applicants have amended claim 7 to read "wherein" as recommended by the Examiner.

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35 U.S.C. §112, Second Paragraph, Rejection

35 U.S.C. §112, second paragraph provides:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The Examiner rejected claims 1-15 under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention."

The Examiner stated that "[i]n claim 1, the claim is for a 'brew head assembly' but there is no structure recited to that brew head elements."

In response, Applicants respectfully traverse the Examiner's above ground of rejection. Applicants maintain that the Specification as filed clearly disclosed the structures of recited brew head elements which comprise of a slide assembly, a sealing assembly and a pop-up and roll-back assembly (See page 2 of the Specification). The Specification further provides that the previously described elements of the brew head assembly are operatively linked and capable of sustaining pressure of up to four (4) bars (see page 6, lines 19-20 of the Specification). The specification further described a slide assembly as having a lever, a slide part, a slider spring and a lid frame; a sealing assembly as having an "O" ring, a water spreader top, a seal ring, a water spreader bottom, a metal pod filter, a coffee collector, and a brew head bottom, and a pop-up and roll-back assembly comprising a lift platform, a lift platform spring, a hinge pin, a hinge spring and a brew head base (See page 6, lines 22-35 and page

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7, lines 4-7). Therefore, Applicants respectfully request the reconsideration and withdrawal of this ground of rejection.

The Examiner further stated that "[i]n claims 3, 5 and 10 applicant refers to figure numbers to apparently describe the structure. It is unclear from the claim which elements of the figures define the metes and bounds of the claims."

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 3, 5 and 10, thereby rendering this ground of rejection moot.

The Examiner further stated that "[i]n claim 13 it is unclear if applicant is claiming a method of brewing or operation of a coffee maker or just an operation of a locking device associated therewith."

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have amended claim 13 to clarify that claim 13 is directed to a method for one-hand operation of a locking device of a coffee machine as disclosed in this Application, thereby rendering this ground of rejection moot.

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35 U.S.C. §102 Rejection

The Examiner rejected claim 1 as being anticipated by Fischer. The Examiner alleged that the Fischer patent (U.S. Patent No. 5,794,519) disclosed "a brewing head assembly, comprising: upper and lower brewing heads 1 and 2; a brewing cartridge support 23; a slide assembly 19, 25 associated with the upper and lower brew heads; a sealing assembly 21, 22 for providing a water tight connection between the upper and lower brewing heads; and a pop-up and roll-back assembly 20, 15 operatively linked to the brewing heads."

In response, Applicants respectfully traverse the Examiner's above ground of rejection. Applicants' claim 1 recites:

A brew head assembly of a coffee maker comprising:
a slide assembly, a sealing assembly, and a pop-up
and roll-back assembly, operatively linked to
sustain pressure up to four (4) bars.

The brewing head assembly of Applicants' claimed invention comprises a slide assembly, a sealing assembly and a pop-up and roll-back assembly, all operatively linked to sustain pressure of up to four (4) bars (Specification, page 6, lines 17-20). The slide assembly of Applicants' claimed invention further comprises a lever operatively linked to a slider by a push rod, and slider spring, all operatively fixed on the lid mount. When the lever is pushed back, the slider will move, and the three legs (bulging tabs) on the slider will fit the holes on the brewing head bottom. The brewing head assembly can be opened by pulling the lever, preferably with one hand, and the lid mount will automatically pop-up and roll-back by and through the respectively upward and rotating/uncoiling actions of the lift platform spring and the hinge spring. The sealing assembly of Applicants' claimed invention comprises an

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"O" ring; a water spreader top; a seal ring; a water spreader bottom; a metal pod filter; and a coffee collector. The "O" ring is used to prevent the leaking of water between the water spreader top and the lid mount. When the lid mount and brew head base are in the close position, the water spreader top and the water spreader bottom are pressed against seal ring to prevent fluids from leaking. The pop-up and roll-back assembly comprises a lift platform having at least two legs operatively moveably attached to a brew head base, wherein a lift platform spring is placed on at least one leg of the lift platform; and a hinge pin which operatively links a hinge spring and the slide assembly to the lift platform.

1. "Upper and lower brewing heads"

Fischer disclosed a brewing head (1, 2) of an espresso machine having a lower brewing head part and an upper brewing head part, which is pivotable relative to the lower brewing head part.

Whereas, Applicants' claimed invention describes a brew head assembly having a brew head base and a lid mount, which is operatively linked to the lift platform. When the lever on the lid mount is pulled back to unlock the lid mount from the brew head base (see figure 4), the lift platform, which is moveably attached to the brew head base, and the lid mount will automatically "pop-up" or move upwards by spring action (see figure 5) to an open position. The lid mount further rotates or pivots upward relative to the lift platform (specification, page 5, lines 22-24; See figure 6) for inserting coffee pods/filters or brewing cartridge.

2. Brewing Cartridge Support

The brewing cartridge support (23) as described in the Fischer patent is an expeller implement for expelling used capsules. Moreover, the brewing cartridge support in Fischer is fixed to

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the lower brewing head part and is pivotable relative to the lower brewing head part.

Whereas, a brewing cartridge support of the Applicants' claimed invention is a metal pod filter 14 used for holding coffee pods (page 6, lines 9-10; see figure 14). The metal pod filter is part of the sealing assembly, and unlike the brewing cartridge support in the Fischer patent, the metal pod filter can be removed or taken out for adding fresh coffee or coffee pod, or for cleaning.

3. Slide Assembly

The slide assembly (19, 25) as described in the Fischer patent refers to the lifting pin and wings, respectively (Fischer patent, page 4, lines 21-24), which belong to the expeller arrangement. The primary function of the lifting pin and wings as described in the Fischer patent is to load the brewing head with capsule or unload or eject used capsule.

Whereas, the slide assembly of Applicants' claimed invention is used for locking (Specification, page 5, lines 10-12) and unlocking (Specification, page 5, lines 16-19) the lid mount to or from brew head base. The slide assembly of Applicants' claimed invention is not being used to load or eject coffee pods.

4. Sealing Assembly

The sealing assembly (21, 22) as described in the Fischer patent comprises a locking latch fixed to the upper brewing head part and a locking pin fixed to the lower brewing head part, which are employed collectively to lock the upper and lower brewing head part (Fischer, page 4, lines 36-40).

"[T]he upper brewing head part and the lower brewing head part are locked together when the

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locking level 20 is tipped by means of a locking latch 21 and a locking pin 22." (Fischer, page 4, lines 36-40).

Whereas, the sealing assembly of Applicants' claimed invention is mounted beneath the lid mount and is comprised of an "O" ring, water spreader top, water spreader bottom, radial seal ring, metal pod filter and coffee collector. The "O" ring is used to prevent leaks between the water spreader top and the lid mount. The radial seal ring, the upper rim of the metal pod filter, and the top rim of the coffee collector are used to provide sealing between the lid mount and the brew head base (Specification, page 6, lines 5-15). The sealing assembly of Applicants' claimed invention is secured/locked or held in place by pushing the lid mount downward, and then pushing the lever backward, which causes the three legs on the lid mount (slider) to engage the corresponding holes/recess on the brew head base. (Specification, page 5, lines 10-14). The three legs on the lid mount and the corresponding holes/recesses on the brew head base creates a three point lock to provide sealing between the lid mount and the brew head base with the sealing assembly.

5. Pop-up and Roll-back assembly

The pop-up and roll-back assembly (20, 15) as described in the Fischer patent is the lever and the pivoting arm. The pivoting arm in Fischer is fixed to the lower brewing head portion of the brewing head assembly. The upper brewing head part which is attached to the pivoting arm opens when the lever is pushed upward to disengage the locking latch from the locking pin. The upper brewing head part in Fischer can only pivot relative to the lower brewing head part. Furthermore, the upper brewing head part of Fischer cannot pop-up vertically because the pivoting arm is attached to the lower brewing head portion.

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Whereas, the lid mount of Applicants' claimed invention automatically moves vertically upward by the force of the spring(s) placed on at least one leg of the lift platform once the three point lock mechanism has been disengaged or released. Furthermore, the lid mount automatically pivots upward by means of a hinge spring (See figure 5 and 6).

Furthermore, Fischer does not disclose a brewing head assembly wherein the elements of the brewing head assembly are operatively linked to sustain pressure up to four (4) bars.

Accordingly, based on the above analysis, Fischer does not teach or disclose the Applicants' claimed invention.

Allowable Subject Matter

Applicants acknowledge that "[c]laims 2, 4, 6-9, 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims."

Applicants respectfully maintain that the Examiner's rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action have been fully addressed, and therefore this Application is in full compliance with all requirements. Accordingly, Applicants respectfully urge the Examiner to reconsider and withdraw the above ground(s) of rejections in this Office action and place this application in conditions for allowance.

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CONCLUSION

Applicants respectfully contend that the Examiner's objections and/or rejections raised in this Office action have been fully addressed, and therefore this Application is in full compliance with all requirements. Accordingly, Applicants respectfully urge the Examiner to reconsider and withdraw all objections and/or rejections in this Office action and place this application in conditions for allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Albert Wai-Kit Chan 5/20/04
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FIGURE 2